

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application Serial No. 09/837,562 )

Group Art Unit: 1623

Filing Date: April 19, 2001 )

Examiner: Fonda, Kathleen Kahler

For: Composition And Method For  
Normalizing Impaired Or  
Deteriorating Neurological  
Function )Docket No: 12439.104US  
(Formerly 12439.101B)

Inventor: Edward Larry McCleary )

Paper No. 11

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence, along with all papers referred to as being transmitted, are being facsimile transmitted to the Patent and Trademark Office Fax No. (703) 308-4556.

December 13, 2002  
DateElaine C. Von Spreckelsen  
Elaine C. Von Spreckelsen

BOX NON-FEE AMENDMENT  
ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, DC 20231

Sir:

This paper is responsive to the Office Action mailed November 14, 2002, hereinafter referred to as "the Office Action".

**ELECTION**

Applicant was required in the Office Action under 35 U.S.C. 121 to elect a single species (i.e., a specific "agent") disclosed for each of the ingredients (A) – (F) for prosecution on the merits. Applicant elects the following species: (A) B-vitamins; (B) ALA; (C) methyl donors; (D) huperzine A; (E) pyridoxine; and (F) vinpocetine. Claims 1, 2, 4, 6, 10 – 14, 24, 25, 27, 29, 33, 34 – 37, and 46 – 52 read on these species and are hereby elected.

**REMARKS**

The examiner has required an election of species and such an election has been made. It is however, believed that the generic claims 1 and 24 are allowable, and thus all claims should be allowable. That is, though the election of only 26 out of 52 claims has

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